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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,113	10/28/2003	Charles F. Weber	10541-1874	6125

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EXAMINER	
LIEU, JULIE BICHNGOC	
ART UNIT	**PAPER NUMBER**
2636	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/695,113	WEBER, CHARLES F.	
	Examiner	Art Unit	
	Julie Lieu	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed June 13, 2005. Claims 1 and 14 have been amended.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardman et al. (US 2002/0126005) in view of Al-Ahmed (US Patent No. 6,384,740).

Claim 1:

Hardman discloses a system for identifying a location of a vehicle, the vehicle including a controller for monitoring status of a component of the vehicle, the system comprising:

a. a sensor 14 configured to transmit a component ID signal and a component status signal

b. a first receiver 26 remote from the vehicle and configured to collect a component ID signal from the sensor

c. a processor (host computer) in communication with the first receiver and adapted to receive the component ID signal, and

d. a database (in host computer) in communication with the processor for storing the component ID, wherein the processor is configured to correlate the component ID with a vehicle ID.

The reference fails to disclose the information regarding the location of the receiver. However, the concept of correlating the component ID and the location of the receiver in vehicle surveillance and control is well known in the art as taught in Al-Ahmed, wherein the location of a remote terminal unit which detects the condition of a vehicle, which in turn represents the location of the vehicle where condition was detected, is reported to the monitoring center. In light of this teaching, it would have been obvious to one skilled in the art to apply this concept in the Harman system because it would be desirable to provide such information to the monitoring facility.

Claim 2:

It is not clear that the processor in Hardman is configured to correlate the component ID with a time that the component ID was received. Nevertheless, one skilled in the art would have readily recognized correlating the time that the information was received in the combined system of Hardman and Al-Ahmed because information such as time would be relevant, especially in vehicle surveillance and control.

Claim 3 :

Sensor 14 includes a radio frequency transmitter.

Claim 4:

Sensor 14 is a pressure sensor.

Claim 5:

Sensor 14 is mounted inside a tire 10.

Claim 6:

It is not clear whether sensor 14 in Hardman is mounted to a wheel of the vehicle. However, the location where the sensor is mounted would not present an inventive step because the function of the device is not thereby be modified.

Claim 7:

Following discussion regarding claim 1, the component ID signal and the location of the first receiver are transmitted to the processor and the processor is located in a remote location to service a plurality of receivers.

Claim 8:

The system in Hardman further comprises a second transmitter and a second receiver as shown in fig. 1A. See [0060].

Claim 9:

Neither reference discloses that the component ID has the claimed particular combination. However, it would have been obvious to one skilled in the art to implement the system in Hardman and Al-Ahmed to have 2^{64} as desired since this feature only represent the choice in the design and it is only up to the designer to select a combination that would best fit the application.

Claim 10:

Though not particularly address in the reference, it would have been obvious to one skilled in the art to correlate the vehicle identification number with the component ID signal because the reference discloses to monitor the tire pressure of vehicle from remote site. It is inherent that the VIN and the component are correlated so that such information can be identified which vehicle the tire in question belongs to.

Claim 11:

The system in Hardman further has user interface 36. It is not clear that the processor in Hardman is configured to correlate the component ID with a time that the component ID was received. Nevertheless, one skilled in the art would have readily recognized correlating the time that the information was received in the combined system of Hardman and Al-Ahmed because information such as time would be relevant, especially in vehicle surveillance and control.

Claim 12:

It is not disclosed in either of the references that the user interface indicates a time and the Location that a component ID was received in response to a vehicle identification number input. However, a skilled artisan would have readily recognized adding a capability of finding time and the location that the component ID was received in response to the VIN input because it would allow the user to monitor a particular vehicle.

Claim 13:

Inherently, the user interface indicates the traffic density based on the Location of the receiver. That is, the more the number of received component ID, the higher the traffic density is indicated.

Claim 14:

The rejection of claim 14 recites the rejection of claims 1 and 6.

Claims 15-22:

The rejection of claims 15-22 recites the rejection of claims 2, 3, 7, and 9-13, respectively.

Applicant's Remarks

4. Applicant's arguments filed 6/13/05 have been fully considered but they are not persuasive.

Argument 1:

"The has not provided factual support that the subject matter of claims 1 and 14 would have been obvious at the time of the invention to a person of ordinal skill in the art. "To support the conclusion that the claimed invention is directed to obvious subject matter either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte, Clapp. 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985).""

Argument 2:

"Hardman teaches a tire monitoring system that transmits a component ID to processor located within the vehicle to track the tire pressure. However, Hardman does not teach or suggest a processor configured to correlate the component ID with a vehicle ID and a location of the first receiver to determine a vehicle location. Alternatively, Al-Ahmed teaches a remote receiver that directly obtains a vehicle ID. A component ID is not used or required in the Al-Ahmed system. Therefore, Al-Ahmed does not teach or suggest correlating a component ID with the vehicle ID. Clearly, Hardman and Al-Ahmed. cannot be simply combined to provide the

present invention as neither system suggests the correlating the component ID with the vehicle ID.

Further, there is no motivation to combine the references including a correlation of the component ID and vehicle ID. Hardman processes the information internal to the vehicle and Al-Ahmed receives the vehicle, ID directly. Therefore, neither Hardman nor Al-Ahmed would have needed to correlate the component ID with the vehicle ID and receiver location to accomplish their stated objectives. Only in hindsight would one find motivation for combining the references in the manner suggested by the examiner."

Further, there is no motivation to combine the references including a correlation of the component ID and vehicle ID. Hardman processes the information internal to the vehicle and Al-Ahmed receives the vehicle, ID directly. Therefore. neither Hardman nor Al-Ahmed would have needed to correlate the component ID with the vehicle ID and receiver location to accomplish their stated objectives. Only in hindsight would one find motivation for combining the references in the manner suggested by the examiner."

Response to Applicant's Remarks

5. The applicant's argument is not deemed persuasive for the following reasons:

Response to Argument 1:

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The Examiner submits that a prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. In this instant case, Hardman discloses a tire/surveillance monitoring system in which drive-by readers positioned along the road or fixed gates interrogate the vehicle device to obtain vehicle ID and its component ID (tire ID) and transmit information to a host computer located at a monitoring site remote from the readers' location. Though the reference fails to clearly disclose vehicle location information to be transmitted to the monitoring site, it discloses that an "alert" to be transmitted to the monitoring location when "immediate" attention is needed (see para. [0002]). Since location of a disabled vehicle can be obtained by roadside readers and be transmitted to a monitoring location for emergency dispatch as taught in Al-Ahmed, a skilled artisan would have readily recognized using this teaching in Hartman because the location of the vehicle which needs "immediate" attention would be useful for the tire shop to dispatch its personnel to the vehicle location to help.

The applicant's argument is, thus, not persuasive.

Response to Argument 2:

The examiner submits that Hardman does teach a processor configured to correlate the component ID with a vehicle ID as stated previously in the rejection. The incorporation of Al-

Ahmed's concept of transmitting the vehicle location would make it obvious that the combined system of Hardman and Al-Amed includes a processor configured to correlate the component ID with a vehicle ID and a location of the first receiver to the determine the vehicle location.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Julie Lieu
Primary Examiner
Art Unit 2636

Aug. 17, 05